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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,782	09/05/2003	Steven J. Hammer	11067.00	8955

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EXAMINER

LEE, DIANE I

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/656,782

Applicant(s)

HAMMER, STEVEN J.

Examiner

D. I. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-17, 22 and 23 is/are allowed.
- 6) ☒ Claim(s) 1 and 18-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Receipt is acknowledged of the Amendment filed 19 August 2005. Claims 1, 18, 19; no claims have been canceled; and no claims have been newly added. Currently, claims 1-23 are remained pending in the application.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Wang et al. [US 6,292,285-referred as Wang].

Re claims 1 and 18: Wang discloses a scanner, comprising:

a polygon 102 including generally planar walls arranged in a ring having first (i.e., upper 126, 304, 410, 406) and second (i.e., lower 128, 308, 414, 418) opposite sides (each upper and lower sides having tilted angle relative to the axis of rotation and facing each other in a predetermined angle with respect to the planar surface of the polygon mirror, i.e., axis perpendicular to the axis of rotation) with first mirrored facets (124, 304, 406, or 410 for example) on the first sides of the walls (upper side) and second mirrored facets (128, 308, 414, or 418 for example) on the second sides of the walls (lower side), each first and second mirror facets having inner walls facing generally towards a center of the ring (an axis of rotation 122) and outer walls facing generally away from the center of the ring 122 (see figures 1-7);

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wherein the first and second mirrored facets direct a laser beam to produce a scan pattern (i.e., the outer walls of the upper facet surfaces 126 and lower facet surfaces 128 direct a laser beam to produce a scan pattern) (see col. 3, lines 22+ and figures 1-7).

Re claims 19-20: a generally top planar base and bottom planar base portion (i.e., top and bottom portions of the polygon, not specifically pointed out in the figure) coupled to each of the facets (see figures 1-7) and wherein the base portion is suitable for attachment to a motor for spinning the polygon (see col. 3, lines 58+);

Re claim 21: Figures 1-7 shows that the facets are oriented at obtuse angles to the base portion.

***Allowable Subject Matter***

4. Claims 2-17 and 22-23 are allowed.
5. The following is an examiner's statement of reasons for allowance:

Wang, alone or in combination with other references, fails to teach or fairly suggest the scanner having a plurality of laser beams (i.e., a first and a second lasers) mounted inside the ring for producing a first and a second laser beams, a first collector mounted inside the ring for collecting the first light reflected from an item and a second collector mounted outside ring for collecting the second light reflected from the item, pattern mirrors such that the first and second mirrored facets direct the first and second laser beam towards the pattern mirrors and direct the first and second light towards the first and second collector, respectively, as set forth in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the

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issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

6. Applicant's arguments filed 19 August 2005 have been fully considered but they are not persuasive.

In response to applicant's argument with respect to Wang reference that Wang fails to teach a polygon including "generally planar walls arranged in a ring having first and second opposite sides with first mirrored facets on the first sides of the walls facing generally towards a center of the ring and second mirrored facets on the second sides of the walls facing generally away from the center of the ring" (see page 14, lines 7+); the Examiner respectfully disagrees. The fact that claims do not recite the generally planar walls arranged in a ring having first and second opposite sides with first mirrored facets on the first sides of the walls **externally facing** generally towards a center of the ring and second mirrored facets on the second sides of the walls **externally facing** generally away from the center of the ring. Wang discloses a scanner with a polygon 102 including generally planar walls arranged in a ring having first (i.e., upper 126, 304, 410, 406) and second (i.e., lower 128, 308, 414, 418) opposite sides (each upper and lower sides having tilted angle relative to the axis of rotation and facing each other in a predetermined angle with respect to the planar surface of the polygon mirror, i.e., axis perpendicular to the axis of rotation) with first mirrored facets (124, 304, 406, or 410 for example) on the first sides of the walls (upper side) and second mirrored facets (128, 308, 414, or 418 for example) on the second sides of the walls (lower side), each first and second mirror facets having inner walls facing (internally facing) generally towards a center of the ring (an axis of rotation 122) and outer walls facing (externally facing) generally away from the center of the

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ring 122 (see figures 1-7). Thus, applying broadest and reasonable interpretation of the claim, Wang still meets the limitation. Accordingly, Applicant's argument on this point is not persuasive.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. I. Lee whose telephone number is (571) 272-2399. The examiner can normally be reached on Monday through Thursday from 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D. I. Lee  
Primary Examiner  
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